

SCOTT N. SCHOOLS, SC SBN 9990  
 United States Attorney  
 JOANN M. SWANSON, CSBN 88143  
 Assistant United States Attorney  
 Chief, Civil Division  
 ILA C. DEISS, NY SBN 3052909  
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
 San Francisco, California 94102  
 Telephone: (415) 436-7124  
 FAX: (415) 436-7169

Attorneys for Respondents

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

VERONICA VASQUEZ,	)	
	)	No. C 07-2407 MEJ
Petitioner,	)	
	)	
v.	)	ANSWER
	)	
ALBERTO E. GONZALEZ, Attorney General	)	
of the United States; and	)	
DAVID N. STILL, Acting District Director,	)	
San Francisco Office, U.S. Bureau of Citizenship	)	
and Immigration Services,	)	
	)	
Respondents.	)	

Respondents hereby submit their answer to Petitioner's Petition for Writ of Mandamus.

**JURISDICTION AND VENUE**

1. Paragraph One consists of Petitioner's characterization of this action for which no answer is necessary.

2. Paragraph Two consists of Petitioner's allegation regarding jurisdiction, to which no responsive pleading is required; however, to the extent a responsive pleading is deemed necessary, Respondents deny the allegations in this paragraph.

3. Paragraph Three consists of Petitioner's characterization of this action for which no answer is necessary.

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**PARTIES**

4. Respondents admit the allegations in Paragraph Four.

5. Respondents admit the allegations in Paragraph Five

6. Respondents admit the allegations in Paragraph Six with the exception that Rosemary Melville is the District Director.

**THE FACTS**

7. Respondents admit the allegations in Paragraph Seven.

8. Respondents admit the allegations in Paragraph Eight.

9. Respondents admit the allegations in Paragraph Nine.

10. The record indicates that three responses were sent to Petitioner on Mach 26, 2007, March 16, 2007 and January 25, 2007.

11. Respondents are without sufficient information or knowledge to either admit or deny the allegations in Paragraph Eleven.

12. Respondents are without sufficient information or knowledge to either admit or deny the allegations in Paragraph Twelve.

**ARGUMENT**

13. The allegations contained in Paragraph Thirteen consist solely of Petitioner's characterizations of law for which no answer is necessary, but insofar as answers may be deemed necessary, the allegations in Paragraph Thirteen are denied.

14. Respondents admit the allegations in Paragraph Fourteen.

15. The allegations contained in Paragraph Fifteen consist solely of Petitioner's conclusions of law for which no answer is necessary.

16. Respondents admit the allegations in Paragraph Sixteen.

17. Respondents admit the allegations in Paragraph Seventeen.

18. Respondents deny the allegations in Paragraph Eighteen.

19. The allegations contained in Paragraph Nineteen consist solely of Petitioner's characterizations of law.

20. The allegations contained in Paragraph Twenty consist solely of Petitioner's

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1 characterizations of law for which no answer is necessary.

2 21. The allegations contained in Paragraph Twenty-One consist solely of Petitioner's  
3 characterizations of law for which no answer is necessary, but insofar as answers may be deemed  
4 necessary, the allegations in Paragraph Twenty-One are denied.

5 **CONCLUSION**

6 22. Paragraph Twenty-Two consists of Petitioner's prayer for relief, to which no admission or  
7 denial is required; to the extent a responsive pleading is deemed to be required, Respondents deny  
8 this paragraph.

9 23. Paragraph Twenty-Three consists of Petitioner's prayer for relief, to which no admission  
10 or denial is required; to the extent a responsive pleading is deemed to be required, Respondents  
11 deny this paragraph.

12 **FIRST AFFIRMATIVE DEFENSE**

13 This Court lacks subject matter jurisdiction over this Complaint and should dismiss the  
14 Complaint under Fed. R. Civ. P. 12(b)(1).

15 **SECOND AFFIRMATIVE DEFENSE**

16 The court should dismiss the complaint under Fed. R. Civ. P. 12(b)(6) because Petitioner  
17 cannot establish that Respondents' duty to act is ministerial, that no other adequate remedy is  
18 available, or that Petitioner has a clear right to the relief sought. *See* 28 U.S.C. § 1361.

19 WHEREFORE, Respondents pray for relief as follows:

20 That judgment be entered for Respondents and against Petitioner, dismissing Petitioner's  
21 complaint with prejudice; that Petitioner take nothing; and that the Court grant such further relief  
22 as it deems just and proper under the circumstances.

23 Dated: July 2, 2007

Respectfully submitted,

24 SCOTT N. SCHOOLS  
25 United States Attorney

26 /s/  
27 ILA C. DEISS  
28 Assistant United States Attorney  
Attorneys for Respondents